

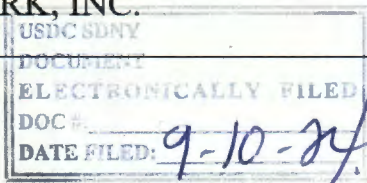
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September 9, 2024

Via ECF and Email

Honorable Lewis A. Kaplan
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

MEMO ENDORSED

**Re: United States v. Thomas Brandenstein
24 Cr. 121 (LAK)**


Dear Judge Kaplan,

I write with an update regarding Mr. Brandenstein's case, in advance of the status conference scheduled for Wednesday, September 11, 2024.

As the Court is aware, undersigned counsel has been working on a mitigation submission for the U.S. Attorney's Office to consider in connection with plea negotiations. That submission was to include a psychological evaluation by a retained expert. At our last conference, in June, we told the Court that our retained expert's report was expected to be turned into us by the end of July, that we would complete the submission by the beginning of August and the U.S. Attorney's Office would have a month to consider it, so we could reach a disposition by this week's court date. Unfortunately, our timeline was delayed. The expert did not get us a final report until August 19. She explained that she had various illnesses over the summer that delayed her writing. Since receiving the expert report, my colleague and I have been diligently working to complete our mitigation submission and anticipate that it will be submitted by Monday, September 16.

At the last conference, we understood the Court's desire to move the case forward. As such, the parties have conferred and will request the following motions schedule: defense motions due October 15, Government responses due November 1, replies due November 11. While engaging in motions practice, the parties will also continue the mitigation process and complete our plea negotiations.

We are prepared to appear in court on Wednesday as scheduled. But if the Court is willing to order a motions schedule in response to this letter, in lieu of a conference, Mr. Brandenstein would be most grateful. At MDC, he recently enrolled in a weekly, in-person course taught through Columbia University, which will meet for the third time this Wednesday. After months of lockdowns and very little productivity, he is deeply engaged in the coursework

The proposed schedule is adopted.
The 9/11/24 conference is cancelled.

LEWIS A. KAPLAN, USDJ